

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

	X	
In re:	:	
	:	PROMESA
	:	
THE FINANCIAL OVERSIGHT	:	Title III
AND MANAGEMENT BOARD FOR	:	
PUERTO RICO,	:	No. 17 BK 3283-LTS
	:	(Jointly Administered)
as representative of	:	
THE COMMONWEALTH OF	:	
PUERTO RICO, <i>et al.</i> ,	:	
	:	
Debtors. ¹	:	
	X	

**URGENT MOTION OF NATIONAL PUBLIC FINANCE GUARANTEE
CORPORATION TO FILE UNDER SEAL CERTAIN PORTIONS OF ITS
REPLY IN FURTHER SUPPORT OF ITS MOTION FOR ENTRY OF AN
ORDER DIRECTING AN INDEPENDENT INVESTIGATION**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

Creditor National Public Finance Guarantee Corporation (“National”) respectfully submits this *Urgent Motion of National Public Finance Guarantee Corporation to File Under Seal Certain Portions of its Reply in Further Support of its Motion for Entry of an Order Directing an Independent Investigation* (the “Urgent Motion to Seal”), and hereby states as follows:

RELIEF REQUESTED

1. By this Urgent Motion to Seal, National seeks the Court’s permission to file under seal and in redacted form certain portions of its *Reply in Further support of the Motion of National Public Finance Guarantee Corporation for Entry of an Order Directing an Independent Investigation* (the “Reply”), in connection with the Court’s Temporary Sealing Order (as defined below).

JURISDICTION AND VENUE

2. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”). Venue is proper pursuant to section 307(a) of PROMESA.

BASIS FOR RELIEF REQUESTED

3. On October 5, 2020, National filed the *Motion of National Public Finance Guarantee Corporation for Entry of an Order Directing an Independent Investigation* (Dkt. No. 14450) (the “Motion”).

4. On October 13, 2020, the Lawful Constitutional Debt Coalition (the “LCDC”) filed the *Urgent Motion of the Lawful Constitutional Debt Coalition to File Under Seal Certain Portions of Its Objection to the Motion of National Public Finance Guarantee Corporation for Entry of an Order Directing an Independent Investigation* (Dkt. No. 14562) (the “LCDC Seal Motion”) seeking leave to file under seal and in redacted form certain portions of its objection (the “Objection”) to the Motion.

5. On October 14, 2020, the Court entered the *Order Regarding Motion of the Lawful Constitutional Debt Coalition to File Under Seal Certain Portions of its Objection to the Motion of National Public Finance Guarantee Corporation for Entry of an Order Directing an Independent Investigation* (Dkt. No. 14584) (the “Temporary Sealing Order”). The Temporary Sealing Order set a response deadline to the LCDC Seal Motion of October 21, 2020 at 5:00 p.m. (AST)² and a reply deadline of October 26, 2020 at 5:00 p.m. (AST). Thereafter, the Court will take the LCDC Seal Motion under consideration. The Court granted the LCDC Seal Motion on a limited, temporary basis until it issues a final order:

In order to establish a complete record, the Court grants the [LCDC Seal Motion] to the limited extent that the LCDC is permitted to file under seal on a temporary basis its Objection in unredacted form, pending briefing and resolution of the issues set forth above. Access to the Objection while the [LCDC Seal Motion] remains under consideration will be restricted to Court personnel, but the Court will not review the Confidential Material, if at all, until after a final decision regarding the [LCDC Seal Motion] has been issued.

Temporary Sealing Order at 2.

6. The deadline by which National must file the Reply is October 20, 2020.
7. The Reply quotes from, and makes reference to, Confidential Material (as defined in the Temporary Sealing Order), which the LCDC has temporarily been permitted to file under seal and/or in a redacted form.
8. Therefore, in accordance with the Temporary Sealing Order, National requests the right to file such references to and quotes from the Confidential Material included in the Reply likewise temporarily under seal and in a redacted form until the Court enters a final order with respect to the LCDC Seal Motion.

² National intends to file a response to the LCDC Seal Motion.

NOTICE

9. Notice of this Urgent Motion to has been provided to the following entities, or their counsel, if known: (i) all parties to the Mediation; (ii) the Standard Parties as defined in the Thirteenth Amended Case Management Procedures (Dkt. No. 13512-1 at 4-6).

CERTIFICATION

Pursuant to Local Rule 9013-1 and paragraph I.H of the Thirteenth Amended Case Management Procedures (Dkt. No. 13512-2), National certifies that (a) it has carefully examined the matter and has concluded that there is a true need for urgent relief because (i) the Reply quotes from and references Confidential Material that LCDC has temporarily been permitted to file under seal and/or in a redacted form pursuant to the Temporary Sealing Order, and (ii) the Court has not issued a final order with respect to the LCDC Seal Motion, and (b) the undersigned counsel have not created the urgency through lack of due diligence on their part.

CONCLUSION

WHEREFORE, National respectfully requests that the Court enter an order granting the Urgent Motion to Seal and such other relief the Court deems just and proper.

Dated: October 20, 2020
San Juan, Puerto Rico

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the District of Puerto Rico by using the CM/ECF system, which sent notification of such filing to all CM/ECF participants.

San Juan, Puerto Rico
October 20, 2020

By: /s/ Eric Pérez-Ochoa
Eric Pérez-Ochoa

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:	:	
	:	PROMESA
	:	
THE FINANCIAL OVERSIGHT	:	Title III
AND MANAGEMENT BOARD FOR	:	
PUERTO RICO,	:	No. 17 BK 3283-LTS
	:	(Jointly Administered)
as representative of	:	
THE COMMONWEALTH OF	:	
PUERTO RICO, <i>et al.</i> ,	:	
Debtors. ¹	:	
-----	X	

ORDER GRANTING URGENT MOTION OF NATIONAL PUBLIC FINANCE
GUARANTEE CORPORATION TO FILE UNDER SEAL CERTAIN PORTIONS OF ITS
REPLY IN FURTHER SUPPORT OF ITS MOTION FOR ENTRY OF AN
ORDER DIRECTING AN INDEPENDENT INVESTIGATION

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Upon consideration of the *Urgent Motion of National Public Finance Guarantee Corporation to File Under Seal Certain Portions of its Reply in Further Support of its Motion for Entry of an Order Directing an Independent Investigation* (the “Motion”),² the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to section 306(a) of PROMESA, notice of the Motion having been adequate and appropriate under the circumstances, and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. National is authorized to redact and file under seal any references to the Confidential Material in its Reply.
3. Any party to the Mediation is entitled to access the unredacted version of the Reply.
4. The duration of the period of the seal for the unredacted version of the Reply shall be determined by the Court.
5. This Order is without prejudice to the rights of any party in interest to seek to unseal the Confidential Material.

[Remainder of page intentionally left blank.]

² Capitalized terms not defined herein are defined in the Motion.

6. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: October ____, 2020

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE